

1  
2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 FELICIA MOSLEY,

7 Plaintiff,

8 v.

9 AACRES LLC, et al.,

10 Defendants.

Case No. 2:21-cv-00521-RFB-DJA

11  
12 **REPORT AND RECOMMENDATION**

13 The Court previously granted Plaintiff's request to proceed *in forma pauperis* and screened  
14 the complaint pursuant to 28 U.S.C. § 1915. (ECF No. 4). In doing so, the Court found that  
15 Plaintiff's complaint was deficient. (*Id.*). As a result, the Court dismissed Plaintiff's complaint on  
16 April 7, 2021 and granted Plaintiff leave to amend the complaint, requiring that an amended  
17 complaint be filed within 30 days, which has since passed. (*Id.*). The Court stated, "Failure to  
18 timely comply will result in a report and recommendation that this case be dismissed." (*Id.* at 7).  
19 To date, the Court has not received an amended complaint or any request to extend the deadline for  
20 filing one.

21 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
22 prejudice.

23 **NOTICE**

24 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
25 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The  
26 Supreme Court has held that the courts of appeal may determine that an appeal has been waived  
27 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142  
28 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file  
objections within the specified time and (2) failure to properly address and brief the objectionable

1 issues waives the right to appeal the District Court's order and/or appeal factual issues from the  
2 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
3 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

4 DATED: June 8, 2021

5  
6 

7 DANIEL J. ALBREGTS  
8 UNITED STATES MAGISTRATE JUDGE  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28